
Appeal Decision

Site visit made on 19 October 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2020

Appeal Ref: APP/A2470/W/20/3255302

Adjacent to 8 Knossington Road, Braunston, Oakham, Rutland LE15 8QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Emlyn and Mrs Amy Smith against the decision of Rutland Council.
 - The application Ref 2019/1381/FUL, dated 12 December 2019, was refused by notice dated 28 February 2020.
 - The development proposed is a dwelling adjacent to 8 Knossington Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether or not the site represents a suitable location for housing having regard to its location outside the settlement boundary; and
 - Whether or not the proposal would preserve or enhance the character or appearance of Braunston Conservation Area.

Reasons

Whether or not the site represents a suitable site for housing

3. In order to deliver sustainable development Policy CS4 of the *Rutland Core Strategy Development Plan Document (adopted July 2011)* (CS) directs the majority of development to the most sustainable locations in accordance with the settlement hierarchy. Braunston in Rutland is identified as a "Restraint Village". As these villages have few services or facilities the policy states that they are not considered sustainable locations and so only development normally acceptable in the countryside is appropriate within them.
4. The appeal site is located outside the "Planned Limits to Development" for the village and so, irrespective of its character or appearance, for planning policy terms it is within the countryside. CS Policy CS4 and Policy SP6 of the *Site Allocations and Policies Development Plan Document (adopted October 2014)* (SAP) seek to limit development in both Restraint Villages and the open countryside unless it is for one of a small number of criteria.

5. The proposed new dwelling would not fall within any of these criteria and so would be contrary to these policies. It would therefore be contrary to the development and spatial strategy of the CS and would not contribute to the delivery of sustainable development in the area.
6. The appellants have argued that the policies in the CS and the SAP were produced long before the *National Planning Policy Framework* (the Framework) and do not fully reflect it. However, the SAP was produced after the original Framework and so Policy SP6 was considered to be consistent with that when it was adopted. Whilst the Framework has been updated since then the policies in relation to rural housing did not change significantly.
7. Moreover, paragraph 213 of the Framework states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Whilst the Framework does seek to significantly boost the supply of housing, and encourages the use of small and medium sized sites in helping to deliver housing, its overall aim is to achieve sustainable development. In creating a dwelling in a location contrary to the development and spatial strategy for the area, the appeal scheme would not achieve this.
8. The appellants have also argued that the development would make efficient use of an underused garden area which would be preferable to using a greenfield site. Be that as it may, neither the Framework nor the policies outlined above indicate that the re-use of brownfield land for residential development is one of the forms of development acceptable in areas classified as open countryside.
9. In support of the appeal my attention has been drawn to the fact that the emerging Local Plan suggests that small scale infill development may be acceptable in villages such as Braunston. Nevertheless, whilst this Local Plan is currently being consulted on, only limited weight can be given to its policies as they are still potentially subject to change. In any case, even if the site was considered to be an infill site, it lies outside the village boundaries where infill development would not be supported. Although I note the appellants' comments on how the boundary for the village is drawn, this is not a matter before me in this appeal.
10. Overall, I consider the appeal site would not represent a suitable site for housing having regard to its location outside the settlement boundary and it conflicts with Policy CS4 of the CS and Policy SP6 of the SAP outlined above.

Conservation Area

11. The site lies in Braunston Conservation Area and so I have a statutory duty to consider whether the proposal would preserve or enhance the character or appearance of the conservation area. Many of the dwellings in the historic core of the village are modest 2 storey houses with a simple shape and form that reflect an agrarian vernacular. In addition, many of the buildings utilise a honey coloured stone or a red brick and this consistency, together with the rural vernacular built form, are key characteristics in the conservation area, and give a strong sense of unity to the village.

12. The appeal site is located to the rear of the garage/car port belonging to the host property. As such, there is limited views of the current outbuilding on the site. Although not an overly attractive building, it is not untypical of a rural outbuilding. Together with the grass surfacing found beyond the gate and the mature tree cover, the site has a distinctly rural rather than domestic character. This complements the view possible through the site to the countryside beyond – a view which helps provide context for what was originally an agricultural village.
13. The proposed dwelling would be far more substantial than the outbuilding, and so would be much more noticeable in views across the site towards the open countryside. Therefore, in combination with the creation of parking spaces and a front garden the appeal scheme would significantly alter the character of the site and would detract from the views through the site towards the open countryside.
14. At present much of the site is covered in trees and vegetation, and these are particularly visible from the footpath that runs across the field to the rear of the site. The trees contribute to the soft landscaped edge to the village and help to screen views of housing on the approach to the village. The trees vary considerably in quality and type but overall make a positive contribution to the character and appearance of the area and to views into and out of the conservation area.
15. The appeal scheme would result in the need to remove a number of these trees, both to enable the development and particularly to provide sufficient light to the dwelling and its garden. Whilst it is suggested that replacement trees would be planted, no landscaping scheme has been provided to enable any assessment of how adequately these would be in mitigating the effect of those lost. The appellants have suggested that as the trees are not subject to Tree Preservation Orders they could be removed without permission. However, as they are located within a conservation area, they would require permission to be removed.
16. As most of the properties along Knossington Road front the highway, the position of the proposed bungalow - set well back from the road and behind the garage/car port - would appear out of keeping. However, I observed that elsewhere in the conservation area, there were examples of properties set back from the road behind other dwellings. Thus, whilst the position of the proposal means it would not contribute to the street scene, it would not be completely out of character with the established pattern of development in the area.
17. Notwithstanding this, overall, I consider the proposed development would fail to preserve, and would unacceptably harm, the character and appearance of Braunston Conservation Area. Therefore, it would conflict with Policies CS22 of the CS and SP20 of the SAP which require developments to conserve and enhance historic assets and their settings.
18. Having regard to paragraph 196 of the Framework, the harm caused to the conservation area would be less than substantial and therefore needs to be weighed against the public benefits. In the scheme's favour it would provide a new dwelling, would provide some temporary work for local contractors and future spend by occupiers would benefit the local economy. However, given the proposal is only for a single dwelling, these benefits

would be limited. In addition, the financial benefits to the intended occupant outlined by the appellants such as reduced heating and maintenance costs are private benefits. Whilst it is suggested that the village needs some bungalows, no substantive evidence has been provided to support this claim, and I observed a number of small bungalows existed within the village such as those on Lammas Close. Furthermore, I am not persuaded that the appeal scheme is necessary to enable combined shopping trips to take place with the proposed occupant given that she already lives in the village, and so I do not consider this to be an environmental benefit of the proposal.

19. The desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight. In this case, I consider that the public benefits of the scheme would be insufficient to outweigh the less than substantial harm.

Other matters

20. The proposed dwelling would be located beyond the rear elevation of the adjacent house (No 10). The boundary to this property is marked by a tall fence and vegetation. This is of a sufficient height to prevent any loss of privacy to the property or its rear garden from the proposed bungalow. Furthermore, although the bungalow would be visible from this adjacent property and its garden, it is at a sufficient angle and distance to ensure it would not have an overbearing impact. Thus, I am satisfied the property would not have an adverse impact on the living conditions of the occupiers of No 10.
21. The proposal would share the existing access for the host property. The Council has stated that, in order to enable two vehicles to pass clear of the highway, the access would need to be widened. However, I observed that the site frontage would be sufficient to enable this widening to take place and this could be secured by a condition. Therefore, the proposal would be provided with a safe and suitable access.
22. I note that the appellants wish to use the proposed dwelling to provide a smaller dwelling for Mrs Smith's elderly mother, who has had a long and active association with the village and who wants to downsize for health reasons. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way suitable alternative accommodation in the village can be found. In any event, personal circumstances will seldom outweigh more general planning considerations, and it is likely that the building would remain long after the current personal circumstances cease to be material.
23. The appellants have stated that they have addressed all the issues raised in the previous appeal¹ for a two storey dwelling. However, whilst the different design and siting has addressed issues in relation to the living conditions of the adjacent occupiers, as outlined above it has not dealt with the fact the dwelling's location would be contrary to the provisions of the spatial strategy in the development plan.

Conclusion

¹ Appeal Reference APP/A2470/A/11/2165432

24. The appeal scheme would not represent a suitable site for housing and would not preserve the character and appearance of Braunston Conservation Area. For these reasons I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR